

APPROVED: 3/13//89

ATTEST: *Sharon G. Givens*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 09-89

February 27, 1989

The Mayor and Council of Rockville, Maryland convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland on Monday, February 27, 1989 at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, Assistant City Attorney David Podolsky and Assistant to the City Manager Cheryl Lampkin.

Re: City Manager's Report

1. A Public Hearing has been scheduled for 2/28/89 regarding the proposed sale of the Courthouse Square site to C.M. Whalen.
2. The Public Hearing scheduled for 4/5/89 concerns the West End Plan.
3. Work Sessions have been scheduled for 3/6/89 and 4/3/89.
4. Mr. Romer requested that the item regarding Award of Bid #80-89 be removed from the agenda because, with the removal of one option, it falls below the \$20,000 threshold for Mayor and Council action.
5. Mr. Romer announced his appointment of Rick Kuckkhan to serve as the Assistant City Manager effective immediately.

Re: Proclamation for Black History Month in Rockville, Maryland, February, 1989.

Proclamation No. 3-89

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 3-89, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council, proclaiming February 1989 to be Black History Month in Rockville, Maryland. At the Mayor's request, Councilmember Coyle read the proclamation which extends Rockville's support in recognizing the contributions of African-Americans of yesterday, today and tomorrow. Linda Richardson, Vice President of Saran Enterprises received the proclamation.

Re: Recognition of Wootton High School Volleyball Team, 1988 Maryland 4A State Champions.

The Mayor and Council awarded certificates of recognition along with engraved three-ring binders folders to the Wootton Volleyball Team, which, coached by Mickey Lipman, has won six consecutive state championships. The following are the names of those recognized:

Cathy Dick	Barbara Stross	Jen Cichy	Kristin Burdette	Jenni Burdette
Kelly O'Brien	Jen Carter	Amanda Garzon	Carrie Lauren	Trish Yednock

Managers Jonah Berger and Tim Sullivan and Coach Mickey Lipman

Re: Citizens' Forum

Mayor Duncan opened the meeting at this time to hear from any citizen who wished to address the Mayor and Council.

1. Thomas Hazard, 170 Talbot Street, spoke regarding the undergrounding of utility lines on Rockville Pike. Mr. Hazard opposes undergrounding of utility lines, especially at Talbot Street and requested that Talbot Street be omitted from any undergrounding plans.

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2. Leah Barnett, 19 Orchard Way North, discussed the county's Detention Center's modular units at Seven Locks Road, noting that the units will not be temporary once they are in place. Additionally, she said that she has heard that the Detention Center is losing experienced employees and she is concerned with safety factors with new, inexperienced employees.

Councilmember Abrams explained to Ms. Barnett that as the County applies for building and use permits, the City will have the opportunity to preserve its role in the process, working with County officials to make sure that adequate understandings are reached with the community's concerns in mind.

3. Gino Valenti advised the Mayor and Council of the conference on Affordable Housing in Montgomery County on Sunday, March 5th, 12:30 p.m. to 7:30 p.m at the Columbia Union College in Takoma Park. Councilwoman Hovsepien indicated that the City will be represented by staff and herself.

4. Mayor Duncan introduced and welcomed Mansfield Kaseman, Executive Director of Community Ministries of Rockville, back from sabbatical.

Re: Approval of Minutes

Upon motion of Councilmember Abrams, duly seconded unanimously passed by a vote of 3-0, the minutes of Meeting # 01A-89 (January 3, 1989 Work Session) were approved as amended. Mayor Duncan and Councilmember Hovsepien abstained from the vote since they had not been present at the January 3rd meeting.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed by a 4-0 vote, the minutes of Meeting # 01-89 (January 9, 1989 General Session) were approved as amended. Mayor Duncan abstained since he was absent at the January 9th meeting.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting # 03-89 (January 18, 1989 Work Session) were approved as amended.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed by a 4-0 vote, the minutes of Meeting # 04-89 (January 23, 1989 General Session) were approved as amended. Councilmember Robbins abstained from the vote since he was absent at the January 23rd meeting.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting # 05-89 (January 30, 1989 Work Session) were approved as amended.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting # 07-89 (February 13, 1989 General Session) were approved as amended.

Re: Appointment: Motion to appoint Gary Muren to the Public Education Advisory Board.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Mayor and Council appointed Gary Muren to the Public Education Advisory Board.

Re: Appointment: Motion appointing Sharon A. Gran as City Clerk.

Upon motion by Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council appointed Sharon A. Gran as the City Clerk.

Councilmember Coyle commented that Ms. Gran's excellent experience and qualifications will serve well in the challenging position of City Clerk.

Councilmember Robbins echoed Councilmember Coyle, adding that he had worked with Ms. Gran in the past and is aware of her excellent work.

Councilmember Abrams expressed personal delight that the Council is unanimous in this appointment and stated without reservation that the new Clerk will start with the trust and confidence of the Mayor and the entire Council. He stated that he has a great deal of admiration for Ms. Gran's professionalism.

Councilmember Hovsepien welcomed Ms. Gran aboard and said that she looks forward to working with her.

Mayor Duncan said that he was thrilled with Ms. Gran's appointment. He voiced excitement by her arrival and the completion of a strong City Manager, Attorney and City Clerk team for the future.

Re: Presentation by Victory
Housing.

Jean Brady, representing Victory Housing, a non-profit organization which provides sheltered housing for frail elderly, made a presentation to the Mayor and Council. Victory Housing has operated Mary's House for four years, maintaining a home-like environment for residents, whose average age is 85 1/2 years, at half the cost of a nursing home. Victory Housing currently serves 15 individuals from Rockville at Mary's House, including the parents of some Rockville residents. Mary's House has proven to be a huge success.

Victory Housing hopes to duplicate this success at St. Raphael's and has met with neighborhood representatives to outline plans for the future. The plans call for two 15 unit buildings, built side by side with connecting common rooms on four acres of vacant land behind the parish.

Victory Housing is requesting \$150,000 from the City. Staff has recommended that funds come from urban renewal land disposition. Additional financial sources are as follows: Planning Grant from Montgomery County Department of Housing and Community Development for \$55,000 and a Maryland Planning Grant for \$10,000. Victory Housing has requested a \$1,000,000 loan from the Maryland state office of Housing and Community Development and a county grant for \$585,000. The Archdiocese of Washington is giving Victory Housing a long term lease on the land and many other in-kind services are also being offered.

Councilmember Abrams, a resident of the community around St. Raphael's, stated that the community is very positive about the project. He said that he is looking forward to helping in any way he can.

In response to a question on the construction schedule by Councilmember

Coyle, Ms. Brady noted that new code requirements due this Spring may delay the Fire Marshal's final approval of these plans. Ms. Brady added that construction was due to begin in November, 1989, with completion expected in about one year.

Councilmember Abrams asked about any required zoning changes and was told that a Special Exception was necessary.

Councilmember Robbins asked for a status of the County grant. Ms. Brady stated that the county says that they will put in whatever money is needed to make the project work. Victory Housing is looking for City and State matches. Commitment from the City would be helpful in gaining other commitments.

Upon motion of Councilmember Robbins, seconded by Councilmember Coyle, the Mayor and Council voted unanimously to grant \$150,000 from the Property Management Fund. This fund receives proceeds from the sale of urban renewal properties. The City's grant is contingent on receipt of matching state and county funds.

Re: Award of Bid #80-89 for Fencing at
Redgate Golf Course to Long Fence
Co., Ijamsville, MD.

At Mayor Duncan's direction, this item was removed from the agenda.

Re: Introduction of Ordinance to
Approve - Application to Close and
Abandon Public Way SCA-56-88,
American Machine Tool
Distributors' Association,
Applicant.

The applicant will be undertaking site modifications at 1335 Rockville Pike in order to provide additional parking for new tenants. As part of the modifications, the service drive will be relocated to achieve a better alignment with developments north and south of the site.

The subject easement was dedicated about 20 years ago; however, the driveway was never constructed within the easement. With the construction of a relocated service drive, the existing easement will not be utilized and can be abandoned.

The staff and Planning Commission recommended approval of the abandonment

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application. On February 13, 1989, the Mayor and Council instructed the staff to prepare an Ordinance to approve this application.

On motion of Councilmember Abrams, there was laid upon the table an ordinance to abandon a public service drive easement across the frontage of 1335 Rockville Pike. Said ordinance to lay over for at least one week before final decision.

Re: Introduction of Ordinance to
Revise and Amend Ordinance No. 36-
88 appropriating funds and levying
taxes for FY 1989.

Each winter the City Manager submits a revised budget ordinance incorporating any major changes to the current year budget. The changes generally fall into the following categories: 1) unanticipated expenditures; costs associated with emergency situations not anticipated at the original budget preparation. 2) Mayor and Council requests; changes to the budget requested by the Mayor and Council. 3) opportunistic requests; staff generated requests for additional funding where it is deemed to be in the City's best interest to initiate a program this fiscal year rather than delaying. 4) technical corrections; adjustments made to more accurately reflect the budget.

Upon motion of Councilmember Abrams, an ordinance to incorporate major changes to the current budget year was laid upon the table. The proposed amendments, totaling \$339,048, would increase the General Fund appropriation to \$35,297,539. Said motion to lay over for at least one week before final decision.

Re: Award of Bid #79-89 Removal and
Replacement of Baseball Backstops,
Dugouts, and Addition of Pre-Game
Practice Screening to the low
bidder, Long Fence Co., for
\$47,021.

This bid for fence work combines two CIP projects in a single bid. Project 6B61 replaces baseball backstops and dugouts at Montrose, Potomac Woods, Woodley

Gardens, and Welsh fields, and project 9J61 will install a protective pre-game practice screening at Broome Athletic Park. This program was funded for \$61,000 in FY89 CIP. Additionally, this award includes three optional projects to install general fencing at Welsh Park and Montrose Park.

Upon motion of Councilmember Abrams, duly seconded and unanimously approved, Bid #79-89 for the removal and replacement of baseball backstops, dugouts, and addition of pre-game practice screening was awarded to the low bidder, Long Fence Co., for \$47,021.

Re: Approval of three-year contract
for banking services with First
American Bank of Maryland.

At Council Meeting No. 45-88, City staff was authorized to enter into negotiations with First American Bank of Maryland to provide a three year agreement for banking services. An agreement has been reached which calls for a three-year commitment to extend from March 1, 1989 through February 29, 1992, with an option to renew for up to two additional years. The agreement has been reviewed by both the City and bank attorneys.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved a three-year contract for banking services with First American Bank of Maryland.

Re: Approval of Resolution to
authorize signatures for City bank
accounts and to permit examination
of safety deposit box.

Resolution No. 2-89

The City Manager and the City Clerk/Treasurer are the only authorized signatures for City bank accounts. The City Clerk/Treasurer position will be vacant until March 1, 1989. As of that date, Sharon A. Gran will assume her responsibilities as City Clerk/Treasurer. This resolution provides that Bruce Romer, City Manager and Sharon A. Gran, City Clerk/Treasurer will be authorized signatures

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for City bank accounts effective March 1, 1989.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 2-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, authorizing signatures for City bank accounts and to permit examination of safety deposit box, was adopted by the Mayor and Council. This resolution designates Bruce Romer, City Manager and Sharon A. Gran, City Clerk, as the only authorized signatures for City bank accounts.

Re: Adoption of Resolution
establishing Traffic Control
Device Policy.

Resolution No. 3-89

This resolution reaffirms the City's policy of complying with national standards in the design, installation, and removal of traffic control devices. The existing policy statement is 13 years old and is in need of being updated. After a recent Work Session, the Traffic and Transportation Commission met and developed a resolution for consideration.

Mayor Duncan questioned the deletion of the previous role of Traffic and Transportation Commission. It was pointed out that Paragraph Two has language clarifying the Traffic and Transportation Commission's review.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 3-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted by the Mayor and Council.

Re: Approval of Swim Center membership
and program fees for FY 1990.

The FY90 revenues are projected to be \$998,332. This reflects an approximate 15% increase in membership fees. This increase in fees is directly related to the increase in services that will be provided with the addition of the new outdoor fitness pool. Staff will continue their efforts to increase the volume of membership sales through marketing strategies such as the discount for early

purchase/renewal, and the sale of a 14 month membership for the cost of 12 months. In addition, advertising will be done in targeted zip code areas where considerable development has recently taken place. The proposed fee structure was reviewed and approved by the Swim Center Advisory Committee and the Recreation and Parks Advisory Board.

With the addition of the second outdoor pool, there is an anticipated increase in revenues for rentals, admissions, free swim supplement, and classes. It is recommended that the fees for classes be increased \$2 to defray the increase in maintenance and staff costs. Such an increase will still produce fees competitive with similar programs in other jurisdictions.

Councilmember Robbins mentioned that he had previously requested a delay on this issue because of his concern about the cost of the admission pass. He stated that the information provided by staff was helpful, but he was still concerned that residents of Rockville be able to use the indoor facility on an occasional basis without paying for an annual admission pass.

Jeannie Tippitt said the Advisory Committee had looked into various options. One of these options includes the use of punch passes. However, since any resident can purchase a \$43 admission pass, which gives them unlimited pool access, a \$53 punch pass with restrictions was thought to be too expensive.

Presently, free admission coupons are mailed to residents. Councilmember Robbins said that the free admission coupons still did not seem to serve those residents who would like to use the facility five or eight times a year and who presently must pay for an admission pass in addition to a daily fee.

Councilmember Abrams proposed that the City maintain better data analysis on the use of free coupons by day of the week and operational hours, residents versus non-residents. Ms. Tippitt said that no monitoring of the use of these passes has been made. Councilmember Abrams suggested that decisions could better be made with

this data.

Mayor Duncan proposed approval of the fee structure with instructions to staff to come back with further data and options.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved the proposed Swim Center membership and program fees for FY 1990, with instructions to the staff to provide additional information incorporating Councilmembers Abrams' and Robbins' comments.

Re: Discussion and Approval of Service Request System.

City Manager Romer explained the purpose of the Service Request System, developed totally in-house, and informed the Mayor and Council that computer automation of the system is about to go into operation. He noted that the final remaining element is staffing for the system; the Mayor and Council have previously identified funds for a part-time position to operate the system. Staff now proposes that the position should be full-time assigned to the City Manager's office and seeks approval of this proposal.

Councilmember Coyle requested a definition of service requests, noting that some differentiation between simple response inquiries versus each item that comes into City Hall must be made. Mr. Romer stated that many of the requests handled within a department will not get into the system. Mayor and Council, City Manager, and cross department requests are generally those that are entered into the system. Entering requests into the system provides data on types of requests, frequencies, locations in City etc. that will be helpful in identifying citizens' needs.

Councilmember Coyle questioned the suggestion of control by SRS for all responses. Mr. Romer explained that this is for quality control and assures accurate tracking of each item.

Mayor Duncan stated that the procedures do not mention the Citizen Service Coordinator. He feels that the job description should reflect the administrative

responsibilities of the position, with less emphasis placed on clerical staff support for the City Manager's office. He also questioned how the system will be publicized.

Mr. Romer responded that residents need to know that they can communicate to the Manager's office or the Council office as the first point of entry and that the system is in place to make the City's responsiveness better than ever. He added that once the staff is in place, local publicity through Rockville Reports and other means of promotion will be initiated. He stated that he does not want to create a new management entity to handle requests.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved the continued implementation of the Service Request System.

Re: Review, Discussion and Direction regarding the advisability of amending the necessary ordinances in order to raise various dollar thresholds for procurement activities. These adjustments will reflect the cumulative impact of inflation over the past several years.

City Manager Romer explained that staff seeks Mayor and Council direction on whether they want to consider adjustments in various thresholds for Mayor and Council approval of purchases before publication of the new Vendors Handbook. Staff recommends that the various thresholds be doubled to reflect the impact of inflation in recent years. This action would still keep the thresholds at realistic levels, but it would raise them sufficiently to avoid the necessity of frequent reevaluation. Fourteen ordinances would need to be amended to effect the adjustments.

Mayor Duncan observed that the current policy requires staff to provide a list of bid awards, which has not been provided in recent years, for under the \$20,000 thresholds. He also requested a copy of former City Manager Blick's memo of 1982 or 1983 to determine the thinking for setting current levels. Councilmember

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Abrams also requested further information from ICMA, NLC Small Cities Task Force, etc. on thresholds in other jurisdictions.

Re: Review, Discussion, and Direction
to Staff--Draft Maximum Expansion
Limits Agreement.

In the 1970 Master Plan, Maximum Expansion Limits (MELs) are designated to provide a guide for the City's desired future growth. While these limits have always been accepted by the City, it is possible that these lands could develop in the County. As written, the MEL policy provides no guarantee that the MEL lands will annex to the City. In June 1986, City and County Council members and staff met and determined that an agreement to govern the development of the MEL lands should be adopted. A staff working group, composed of County and City staff members, began meeting to draft the agreement. A group of City and County attorneys have also reviewed drafts of the agreement.

Lisa Rother, of the Planning staff, presented a history on the staff working group discussions with Montgomery County. The draft agreement has undergone many changes during the past years. The current draft represents a compromise effort for bilateral recognition of the MELs. Although the agreement does not include specific binding mechanisms for ensuring that the MEL lands will be annexed to the City, it provides strong guidance and support for the annexations, and guarantees that the development will be compatible with surrounding development in both the City and County. The current draft is more general than the original proposal due to continuing difficulties in resolving County concerns on contracting away sewer and water services. Staff proposes a new draft be drawn up which would require additional implementation detail in the future.

Councilmember Abrams expressed concern that little benefit would accrue to the City with the adoption of an agreement to govern the development of the MEL lands. Ms. Rother replied that it would provide for both County and City recognition of MELs.

Mayor Duncan expressed disappointment by the revisions because he felt after the last meeting with the County Council, they were in agreement with the proposal, pending further legal review. Apparently the County Attorney and the City Attorney never got together on that final review.

Mayor Duncan requested a deferral until the attorneys conduct their meeting on the questions raised and offer recommendations. The item was deferred without objection.

Re: FYI

1. The Cultural Arts Commission has revised its requests for funds for the FY89 Art in Public Places Program. It recommends that a total of \$99,000 be allocated for the program.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Art in Public Places Master Plan was modified to increase the funding for two gateway sites and one neighborhood site.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved a budget increase of \$99,000 for the Cultural Arts Commission for FY89.

2. Councilmember Hovsepian noted a letter sent to the City Manager in appreciation of the City Traffic Engineer, Joe Cutro. Janet Repka, President of the Courthouse Walk Homeowners Association, wrote that Mr. Cutro had recently spoken to the association regarding proposed traffic developments. Ms. Repka reported that the association's members were impressed by his expertise and the manner in which he handled several sensitive issues. Councilwoman Hovsepian added the Mayor and Council's commendation to Ms. Repka's letter.

3. Regarding the issue of handicapped ramp laws, Councilmember Robbins voiced concern regarding the lack of policy for existing problem sites and how these problems were identified. Mayor Duncan said that the City policy is to install

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handicapped ramps anywhere a problem is identified by citizens with staff concurrence.

4. On the topic of the status of Second Genesis, the Mayor directed staff to prepare a letter of support to be sent to the County for continuing the Second Genesis program.

RE: New Business

1. Councilmember Abrams asked for follow-up information concerning the agreement the City reached with the Polinger Company. He requested a status report on the level of applications for special rental rate programs, the number of approvals and the number of rejected applicants.

2. Councilmember Coyle requested a status report on the Senior Housing Project at Jerusalem Methodist Church, noting that the Council has not received a report on the results of the \$5,000 study.

3. Mayor Duncan asked for a status report on the Wetlands/Ritchie Parkway project. Mr. Romer replied that no additional information has been received from the State but that he understands that the project is moving forward at this time and will update the Council as information is provided.

RE: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:35 p.m. to convene again in Public Hearing on Tuesday, February 28, 1989 or at the call of the Mayor.